

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DIEGO A. LEGASPI,
Plaintiff,

No. C 11-4425 SI (pr)

ORDER OF TRANSFER

v.

MATTHEW CATE, Director of
Corrections; TERRI GONZALEZ, Warden of
CMC State Prison,
Defendants.

Diego Legaspi filed this civil rights action under 42 U.S.C. § 1983, complaining of events or omissions that occurred at the California Men's Colony in San Luis Obispo County, where he currently is housed. San Luis Obispo County is within the venue of the Central District of California. One defendant, the prison warden in San Luis Obispo, apparently resides within the venue of the Central District of California. The other defendant, the CDCR director in Sacramento, apparently resides within the venue of the Eastern District of California. No defendant is alleged to reside in, and none of the events or omissions giving rise to the complaint occurred in, the Northern District of California. Venue therefore would be proper in the Central District or Eastern District and not in this one. See 28 U.S.C. § 1391(b). The witnesses and evidence likely will be found primarily in the Central District as that is the district in which the events and omissions occurred and the plaintiff is incarcerated. Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Central District of California.


The court has not ruled on the pending *in forma pauperis* application. The application

1 will be ruled upon by the transferee court.

2 The clerk shall transfer this matter forthwith.

3 IT IS SO ORDERED.

4 Dated: January 9, 2012


SUSAN ILLSTON
United States District Judge